

PAULINA A. (MUELLER) SIGNORELLI,)
) Chapter 7 Case No: 15-46309-659
 Debtor.)

COMES NOW Creditor, Douglas L. Mueller, and for his Objection to Discharge
of Paulina (Mueller) Signorelli, and states as follows:

2. A Judgment of Dissolution of Marriage was issued by the Honorable Thomas J. Frawley, Circuit Judge, City of St. Louis, in case number 053-04468, on or about July 25, 2008, dissolving the marriage of claimant and debtor Signorelli.

4. That following trial in the Circuit Court on October 25, 2007, the trial court subsequently entered a lengthy Order of Dissolution of Marriage, nine months later, on or about July 25, 2008, directing that the business and property of SSS, Inc., be turned over to Douglas L. Mueller, which Judge Frawley valued at \$670,000.00.

5. That on or about August 22-25, 2008, when Douglas L. Mueller was finally able to obtain access to the books, records and physical property of the corporation, he discovered that the total remaining asset value of SSS, Inc., was under \$20,000.00. Debtor had taken over \$85,000.00 in shareholder loans from 2007 to August 2008, and an additional \$436,000.00 in withdrawals from the corporate bank accounts for a total withdrawal of corporate assets of in excess of \$521,000.00, plus her salary.

6. That at the time of trial of the underlying Dissolution of Marriage proceeding (Ex. 2) on 10/25/2007, Debtor had separate stocks, bonds and bank accounts in her own name valued in excess of \$572,000.00, including I.R.A. accounts.

7. That during the period from approximately October 2007 through July 25, 2008, as aforesaid, Debtor had advanced herself \$85,000.00 in shareholder loans.

8. Debtor subsequently subjected Claimant/Petitioner's residence at 6318 West Park, St. Louis, to execution and obtained a payment of over \$200,000.00 in 2011 against the \$670,000.00 Judgment, thereby reducing the judgment to \$470,000.00

9. Debtor executed on another parcel of real estate owned by Douglas L. Mueller at 1410 South Jefferson in further partial satisfaction of the balance of the \$670,000.00 Judgment, reduced to \$470,000.00. Debtor now holds that property which she valued at \$500,000.00, and said Judgment against claimant Douglas Mueller should be shown as discharged.

10. Claimant/Petitioner asserts that Debtor has had access to and use of the funds and assets described herein in excess of \$1,273,000.00 plus real estate within the past 5 or more years, prior to the filing of her bankruptcy petition herein on or about September 26, 2013.

11. That in July 2013, Claimant/Petitioner filed a lawsuit for damages and destruction of the corporate assets of SSS, Inc., which marital asset was awarded to Douglas L. Mueller under the terms of the Dissolution of Marriage proceeding, which sustained a loss in value of in excess of \$650,000.00, by the seizure of corporate funds and shareholder loans by Debtor.

12. This wasting of asset constituted fraud upon Douglas L. Mueller, in violation of his marital rights and also constituted fraud upon Claimant/Petitioner's rights under 11 U.S.C., §523(a)(2)(A) "for fraud or defalcation while acting in a fiduciary capacity, embezzlement or larceny", pursuant to 11 U.S.C., §523(a)(4), and further, said actions by Debtor constitute an exception to discharge under 11 U.S.C., §523(a)(15), in that the same constituted property transferred to a spouse pursuant to a divorce judgment from the Circuit Courts of the City of St. Louis, in cause number 053-04468 on or about July 25, 2008.

13. Debtor concealed the transfer of the corporate assets and alleged shareholder loans from Claimant/Petitioner by representing to the Dissolution of Marriage Court that SSS, Inc., was worth at least \$670,000.00.

14. Debtor should not be permitted to discharge the indebtedness asserted and claimed by Claimant/Petitioner.

15. That Claimant/Petitioner filed a separate suit in the Circuit Court of the City of St. Louis in July 2013, in cause number 1322-CC08756, seeking to recover for the damage and destruction of the asset he was awarded of the business and assets of SSS, Inc.

16. During the period from July 25, 2008, to the present, Debtor has been receiving monthly funds as follows, and has sufficient income to meet her needs:

A. One-half of Petitioner's St. Louis Fire Department pension - now at \$1,924.83/month (originally \$1,725.00/month);

B. Child support from Social Security for the minor children of \$914.00/month (until children reached age 18);

C. Her personal income, including any rentals from 6280 Reber Place and her billboard business.

17. Plaintiff further believes that Debtor has substantial equity in other assets not disclosed at present.

WHEREFORE, having fully pled, Creditor Douglas L. Mueller respectfully objects to the discharge of Debtor Paulina (Mueller) Signorelli from any and all debts and claims for destruction of the corporate assets of SSS, Inc. that have been asserted by Douglas L. Mueller in the lawsuit now pending in the Circuit Court of the City of St. Louis, Mueller v Signorelli, cause number 1322-CC08756, and for such other and further relief as to this Court seems meet and just.

Respectfully submitted,

MARTIN, MALEC & LEOPOLD, P.C.

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CERTIFICATE OF MAILING/ECF FILING

The undersigned certifies that the signed original of this document is maintained in the file, and that the foregoing was filed on the 19th day of November, 2015, electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system (ECF) upon the following:

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